



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,814	12/05/2006	Donald John Newman	10399.17	6648
21999 7590 07/07/2010 KIRTON AND MCCONKIE 60 EAST SOUTH TEMPLE, SUITE 1800 SALT LAKE CITY, UT 84111				
EXAMINER				
LUGO, CARLOS				
ART UNIT		PAPER NUMBER		
3673				
MAIL DATE		DELIVERY MODE		
07/07/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/597,814

**Applicant(s)**

NEWMAN ET AL.

**Examiner**

CARLOS LUGO

**Art Unit**

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 March 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-15 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 05 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on March 8, 2010.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1, 13 and 15 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 13 requires that the handle spigot engages the housing at one end of the housing and that the opposed end is secured to the mounting stock.

As clearly shown in the drawings and explained in the specification, the spigot 11 has a tail 20. The housing has a cylindrical shape wherein in one end has a front surface and an internal surface and an opposed open end. A channel is defined to communicate both surfaces. The mounting stock is received in the open end and is secured by means of a screw 33 to a sidewall of the housing. The tail 20 passes through the channel. The tail has a notch-type structure that accepts a clip 26 that secures the tail to the internal surface of the housing, not an end of the housing. Correction is required. A broad interpretation will be given to the limitations.

As to claims 14 and 15, how the spigot and the stock are secured to the housing? The claim just mentions that the tail passes through the hole and that the stock is fitted to the housing, but fails to show how are secured there. Correction is required (see above).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-8 and 10-14 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 6,386,602 to Lan.

Lan discloses a handle assembly comprising a handle (3), a handle spigot (2), biasing means (15) to bias the handle to a naturally closed position, an operating plate (4, 23) which is rotatable by the handle spigot, a mounting stock (1), and a housing (16).

The spigot, biasing means, operating plate and a majority of the mounting stock are positioned within the housing. The mounting stock is securable to one end of the housing (by the curved end where 16 is pointing in figure 3) by the housing being fitted to the mounting stock so that at least a portion of the mounting stock extends into an end of the housing (at least could be just a portion or all).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 9 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,386,602 to Lan in view of US Pat No 5,617,749 to Park.

Lan fails to disclose the use of a mounting plate with the handle assembly.

Park teaches that it is well known in the art to provide a mounting plate (plate attached to the door, figure 1) that interacts with a handle assembly.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the handle assembly described by Lan with a mounting plate, as taught by Park, in order to make a separation between the handle assembly and the surface where is place it. The use of a plate will not change the mechanism of the handle assembly.

#### ***Response to Arguments***

8. After further consideration, the previous rejection of the claims in view of Shen has been withdrawn.

As to the 112 2<sup>nd</sup> paragraph rejection, the arguments are not persuasive and the rejection is maintained. The rejection was to claims 1 and 13. As seen in attachments #1 and #2, the housing is a cylinder having an open end and an opposed end. The opposed end has a front and an internal surface. A channel or hole is provided to communicate both surfaces.

The spigot tail is introduced into the hole and the spigot is secured to the housing by using a spring clip 26 that rest on the internal surface of the housing, not to the end of the housing.

Also, the mounting stock is introduced into the open end so that the stock can be attached to the housing by using a screw through an opening on a sidewall of the housing, not the end.

As to the arguments with respect to the rejection in view of Lan, the arguments are not persuasive. The applicant argues that element 16 is not a housing as claimed. At the instant, element 16 houses or enclose the elements defined in the claim. Therefore, element 16 is a housing.

Further, the handle is secured to the mounting stock through the engagement of the housing to the mounting stock. The handle 3 is secured to the stock 1 by element 21 and the stock is secured to the housing by the curved end. Therefore, the rejection is maintained.

At the instant, in order to speed the process, the examiner suggest that the applicant should define the housing as explained in the 112 2<sup>nd</sup> paragraph section above, that is a cylinder having an open end and an opposed end. The opposed end has a front and an internal surface. A channel or hole is provided to communicate both surfaces and that the spigot tail is introduced into the hole and the spigot is secured to the housing by using a spring clip 26 that rest on the internal surface of the housing and the stock is introduced into the housing and secured to the housing using a securing means (screw) though a hole in the sidewall of the housing (see the attachments).

At the instant, the current prior art fails to disclose that defined structure. If the applicant wishes, he can contact the examiner and propose a non official amendment for consideration.

***Allowable Subject Matter***

9. **Claim 15 would be allowable** if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CARLOS LUGO** whose telephone number is (571)272-7058. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number

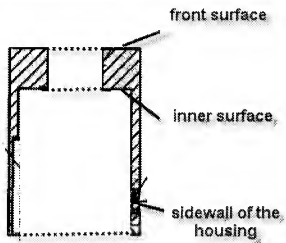
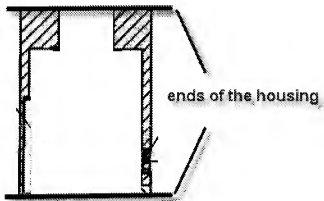
for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

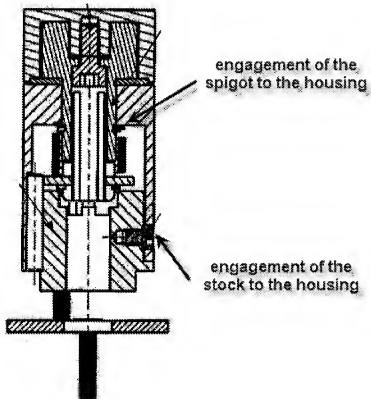
/Carlos Lugo/  
Primary Examiner  
Art Unit 3673

July 6, 2010.





attachment #1



attachment #2